

AO 91 (Rev. 08/09) Criminal Complaint

## UNITED STATES DISTRICT COURT

for the

Western District of Texas

Filed 4-6-11Clerk, U. S. District Court  
Western District of TexasBy [Signature]

Deputy

United States of America )

v. )

Case No. SA-11-291M )

ROBERT RICHARD RHODES )

Defendant(s)

## CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of January 2011 in the county of BEXAR in the  
WESTERN District of TEXAS, the defendant(s) violated:*Code Section*  
18 USC 2250*Offense Description*  
Failure to register

This criminal complaint is based on these facts:

See attached affidavit.

☒ Continued on the attached sheet.[Signature]

Complainant's signature

Nicholas Rose, Deputy U.S. Marshal

Printed name and title

Sworn to before me and signed in my presence.

Date: 4/6/2011[Signature]

Judge's signature

City and state: San Antonio, Texas

PAMELA A. MATHY, U.S. MAGISTRATE JUDGE

Printed name and title

10 years confinement, \$250,000 Fine; life supervised release; \$100 mandatory special assessment

**AFFIDAVIT for CRIMINAL COMPLAINT**

Affiant Nicholas Rose is a Deputy U.S. Marshal Criminal Investigator with the United States Marshals Service in the San Antonio Division. The Affiant has been employed as a Deputy U.S. Marshal for a little over eight years, and has also been designated as a Sex Offender Investigation Coordinator (SOIC). As a SOIC, the Affiant is responsible for investigating sex offenders moving between states to determine if the offenders are in violation of their registration requirements.

On August 1, 1988, Robert Richard RHODES was convicted in the State of Arizona for attempted sexual conduct with a minor, in violation of Arizona Criminal Code Title 13, Section 13-1405. RHODES was convicted for molesting his three step-daughters, ages four, seven, and eight. For this conviction, RHODES was sentenced to 102 months in prison. RHODES was also required to register for life by Arizona law, and was registered as a sex offender on January 28, 1998.

Upon his release from prison, RHODES lived in Arizona until 2003, Michigan for a few months in 2004, then back in Arizona at the end of 2004. RHODES then moved to New York in July of 2005, and finally to Kentucky in August of 2007. During this time span, RHODES was current with his registration requirements with each of those states.

In Kentucky, RHODES was also required to register for life as a sex offender, and was required to verify his address every ninety days. This verification was done by mail. RHODES kept up with his verification initially; however, in December of 2009, the State of Kentucky issued a warrant for RHODES' arrest for failing to update his registration requirements. RHODES last returned his address verification form to Kentucky authorities in March of 2009, but failed to respond to all further mailings by Kentucky authorities.

On March 22, 2011, a home compliance check was conducted by the U.S. Marshals Service out of Louisville, Kentucky, and local Kentucky authorities. RHODES was not at his last registered address, and neighbors stated RHODES may have moved to Texas sometime in late summer of 2010.

On March 23, 2011, the Affiant contacted the Social Security Administration Office of the Inspector General as it was believed that RHODES may have applied for social security benefits. Special Agent Tony Puente confirmed that RHODES had applied for benefits on January 25, 2011, with a listed address on 111 Durant St., San Antonio, Texas. At that time, RHODES stated that he had been at that address since January 1, 2011. RHODES then submitted a work history report to the Social Security Administration on February 28, 2011, and listed a new address of 1605 W. French Pl. in San Antonio, Texas.

The Affiant checked the State of Texas sex offender registry and also called the San Antonio Police Department and Bexar County Sheriff's Office. All three entities confirmed that RHODES had not registered as a sex offender anywhere in the State of Texas. The Affiant passed this information on to Task Force Officer (TFO) Kavin Miller with the Department of Public Safety Criminal Investigations Division. TFO Miller secured an arrest warrant through a complaint on March 31, 2011.

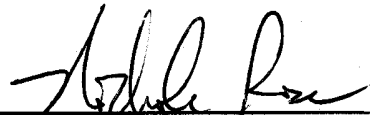
Later that same day, the Affiant and other members of the Lone Star Fugitive Task Force located and arrested RHODES. Subsequent to RHODES' arrest, the Affiant advised RHODES of his Miranda Rights. RHODES stated he understood them, waived them and agreed to speak with your Affiant. RHODES told your Affiant he had been in Texas for a couple of months. RHODES also stated that he came straight to San Antonio with his girlfriend, Carmen Black, and never stayed in any other city in

Texas. When asked if RHODES had registered anywhere, RHODES stated that he had never registered anywhere in Texas, but knew he was required to register as a sex offender for the rest of his life and was planning to register the next day. RHODES admitted he had lived on Durant St. (111 Durant) and W. French Pl. in San Antonio.

Before RHODES was transported to jail, the Affiant interviewed the girlfriend, Carmen Black. Black stated she has lived with RHODES for five years. Black met RHODES over the internet and went to Kentucky to live with him. Black and RHODES then decided to come to Texas where Black had friends. When Black and RHODES moved to Texas, Black stated they moved to 1605 W. French Pl. where Black knew the family. Black then said she and RHODES moved to 111 Durant St., and then back to W. French Pl. Black stated that she and RHODES got to Texas sometime before Halloween in 2010, as she remembered going to a Halloween party in San Antonio. Black also said that she and RHODES had lived at the West French Pl. address for about two or three months now. Black provided the Affiant with a written statement.

The Affiant interviewed Priscilla Esquivel, a resident at the W. French Pl. address. Esquivel stated she has known RHODES for about five months and knows him through Carmen Black. Esquivel said Black and RHODES moved into the W. French Pl. address when they first got to San Antonio from Kentucky, then Esquivel and her husband moved in, so Black and RHODES moved to the Durant St. address. Black and RHODES came back to the W. French Pl. address about two to three months ago, according to Esquivel. Esquivel went on to say she and her husband have two small children at the home where Black and RHODES were staying, and that Esquivel was unaware that RHODES was a sex offender. Esquivel said she would speak to her kids to make sure nothing happened between them and RHODES. Esquivel provided DUSM Rose with a written statement.

RHODES is a convicted sex offender who traveled in interstate commerce from Kentucky to Texas. RHODES never notified Kentucky authorities that he was moving and never notified any officials in the State of Texas that he was living in the State, nor did RHODES register as a sex offender in the State of Texas. For these reasons, this Affiant requests an arrest warrant be issued for Robert Richard RHODES for violation of 18 U.S.C., Section 2250 - Failure to Register as a Sex Offender.



Nicholas Rose  
Deputy U.S. Marshal  
United States Marshal Service  
W/TX- San Antonio Division

SWORN TO AND SUBSCRIBED BEFORE ME on this 6 day of April, 2011.



PAMELA A. MATHY  
U.S. MAGISTRATE JUDGE